



KERN IRWMP

Integrated Regional Water Management Plan

Executive Committee:

William Miller
Co-chair
Mountains/Foothills

William Taube
Co-chair
South County

Dan Allen
North County

Eric Averett
Kern Fan

Jim Beck
Kern County Water Agency

Mark Lambert
Greater Bakersfield Area

David Price III
County of Kern

Harry Starkey
Westside

September 21, 2009

California Department of Water Resources
ATTN: Ralph Svetich
P.O. Box 942836
Sacramento, CA 94236-0002

Re: Tulare Lake Basin Portion of Kern County Integrated Regional Water
Management Plan Region Acceptance Process Draft Recommendation

Dear Mr. Svetich:

The Tulare Lake Basin Portion of Kern County Integrated Regional Water Management Plan (Kern IRWMP) would like to thank you for the opportunity to comment on the Region Acceptance Process (RAP) draft recommendations.

The draft recommendations for the Kern IRWMP states that the region has received conditional acceptance with the following three stipulations:

Stipulation 1: "The Kern County IRWM Region must effectively integrate the Poso Creek IRWM Region by consolidating planning efforts within the County and by expanding its Region boundaries to include the portions of the Poso Creek IRWM Region located outside of Kern County."

Stipulation 2: "Nearby 'gap' areas, not covered by the Kern County, Poso Creek, Tule River, or Southern Sierra IRWM Regions should also be included."

Stipulation 3: "The Kern County IRWM Region must also ensure cooperation and coordination occurs with the Southern Sierra IRWM Region, in the mountains and foothill areas and other adjacent IRWM Regions."

The Kern IRWMP participants have put a tremendous amount of effort into creating a plan for our region and were pleased to receive acceptance and have our work recognized. However, we have several concerns regarding the stipulations and their potential impacts to the Kern IRWMP. Therefore, the Kern

IRWMP Executive Committee has the following responses and recommendations to the stipulations enumerated above:

Response to Stipulation 1

Stipulation 1 requires the Kern IRWMP to "effectively integrate" the Poso Creek IRWMP into the Kern plan. However, there is no measurement standard by which to judge what this means. The Kern IRWMP requests the final RAP recommendation to be amended to specify that integration of the Poso Creek IRWM Region into the Kern plan means the Kern IRWM Region will be a single region with one plan.

Additionally, the Kern IRWMP participants would like assurances that the progress of the Kern IRWMP will not be inhibited by the integration of the Poso Creek IRWM Region. From our inception, the Kern IRWMP has actively sought to integrate the Poso Creek IRWM region into our planning process and have repeatedly invited the Poso Creek participants to join the Kern IRWMP to no avail. At present, the Kern IRWMP is nearly complete and already includes a project prioritization process and draft governance structure. Furthermore, the Kern IRWMP participants expect to adopt the plan within the next few months. Throughout our development process our participants have worked very hard, at a great expense of time and money, to create our plan. We would like to assure DWR that we are committed to continuing our integration efforts and providing the best coverage to our region possible; however, as DWR staff acknowledged at the public meeting on September 10, 2009, an entity cannot be made to participate in an IRWM region. Therefore, we request DWR recognize the hard work and commitment of our participants by amending the final RAP recommendation to stipulate that the Kern IRWMP may adopt the current plan, at its completion, for the purposes of seeking future implementation grant funds and integrate the Poso Creek IRWM region, should their participants so choose, in a plan update.

As the Kern IRWM has been unsuccessful in our attempts to have the Poso Creek IRWM join our planning efforts, we also request that DWR make the appropriate changes in the Poso Creek IRWM recommendations to promote and facilitate their timely integration into the Kern IRWM.

Response to Stipulation 2

Stipulation 2 requires the Kern IRWMP to cover all nearby "gap" areas not presently covered by neighboring IRWMPs. However, there is no supporting evidence provided to explain why these areas are best suited to become part of the Kern IRWMP. Additionally, a review of the draft recommendations for the Tule River and Southern Sierra regions reveals that they do not include similar language. While the Kern IRWMP has always maintained an open door policy, our participants' desire in this process is to establish mutually beneficial relationships based on common water management concerns. Requiring the Kern IRWMP to expand into these areas without cooperation and collaboration with our neighboring IRWMPs implies that the Kern IRWMP should start covering areas without regard to water management issues, infrastructure or existing relationships. This notion is contrary to principles in the RAP guidelines. Additionally, at the public meeting held September 10, 2009 in response to public questions, Tracie Billington of DWR indicated that DWR's desire is to have regions work collaboratively to outreach to gap areas. Therefore, we request that the final RAP recommendation be amended to read as follows:

"The Kern IRWM Region must work with the Tule River and Southern Sierra IRWM Regions to ensure coverage for all nearby 'gap' areas desiring to be a part of an IRWM region. In determining which IRWM region should cover an area, consideration must be given to water management issues, stakeholders and integration of water management activities as described in and required by the RAP guidelines."

Furthermore, we request that the draft recommendations of the Tule River and Southern Sierra IRWM Regions be amended to include this same stipulation.

Response to Stipulation 3

The Kern IRWMP has continued to work the Southern Sierra IRWMP to execute a letter agreement specifying current and future cooperation on watershed related issues affecting both IRWM regions. At present the letter agreement has been approved by both regions and is being circulated for execution. In addition to the letter agreement, the Kern and Southern Sierra IRWMP representatives are continuing to work with residents of the watershed to encourage active participation in both IRWMPs. Furthermore, emails sent between participants and representatives of both IRWMPs clearly demonstrate that participants are actively involved in the process and are comfortable communicating concerns to and working with both regions. Therefore, we request that DWR consider this matter resolved and remove this stipulation from the final RAP recommendation.

In addition to these concerns, the Kern IRWMP finds that recommendations regarding funding eligibility for IRWMs throughout our funding region are ambiguous. Specifically, a review of the draft recommendations for other IRWM regions reveals that quite frequently DWR staff specified whether or not a region was eligible for a specific funding type. Within the Tulare Basin Hydrologic Region multiple regions were described as being eligible for planning money. However, the Kern IRWMP failed to receive this same stipulation. We request that the final RAP recommendation be amendment to specify that the Kern IRWM Region is eligible for planning money.

In summary, we encourage DWR to consider the Kern IRWM Region's planning efforts to date and the implications of the RAP recommendations on the ability of the Kern IRWMP to continue to progress. To this end, we request DWR make the changes specified above, to ensure that the RAP guidelines are implemented fairly and accurately, and that Kern IRWM Region is not placed at a disadvantage as a result of actions outside of our control.

If you have any questions or would like to discuss these matters, please contact the undersigned or Lauren Bauer at (661) 634-1411.

Sincerely,



William Miller
Co-chair, Executive Committee
Kern IRWMP



William Taube
Co-chair, Executive Committee
Kern IRWMP

cc: Tracie Billington, DWR
Jim Lin, DWR